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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,164	03/19/2004	Ritsuo Fujii	08830.0013	7426

22852 7590 08/18/2005

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WASHINGTON, DC 20001-4413

EXAMINER
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GUADALUPE, YARITZA

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

**Office Action Summary**

Application No.

10/804,164

Applicant(s)

FUJII ET AL.

Examiner

Yaritza Guadalupe McCall

Art Unit

2859

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 and 29 is/are allowed.
- 6) ☒ Claim(s) 12,13,15,17-19,21-23 and 25 is/are rejected.
- 7) ☒ Claim(s) 14,16,20,24 and 26-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/19/04;12/21/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
2. Claims 12 – 13, 15, 17– 19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujii et al. ( US 6,829,463 ).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

With respect to claim 12, Fujii et al. discloses a toner supplying apparatus for feeding a mixed fluid containing a toner and an stream from a toner storage through a first supply path, by a first supply member, which comprises: the toner storage ( 24 ) including a toner hopper ( 30 ); a mixing chamber ( 35 ); a storage side flow control mechanism ( 34 ) disposed between the toner hopper ( 30 ) and the mixing chamber ( 35 ); and a wall to cover at least a portion of the storage side flow control mechanism, having a clearance therebetween.

In regards to claim 13, Fujii et al. also discloses an apparatus wherein the storage side flow control mechanism comprises a movable member ( 34 ) capable to reduce the mixed fluid entering into the mixing chamber and a shaft which the movable member can move based on.

Regarding claim 15, Fujii et al. also discloses an apparatus wherein the storage side flow control mechanism includes a bladed wheel having a screw ( See Column 5, line 20 ).

In regards to claim 17, Fujii et al. further teaches an apparatus comprising at least two storage side flow control mechanisms ( 34, 67, 68 ).

With regards to claim 18, Fujii et al. further teaches an apparatus comprising a mixing chamber ( 35 ) for mixing the toner and the air stream; a first supply member ( 501 ) to supply the mixed fluid containing the toner and the air stream to a toner separating member ( 60 ); a first supply path ( 40, 41 ) for guiding the mixed fluid to the toner separating member ( 60 ); a second supply member ( 502 ) to return the toner which was not separated at the toner separating

member to the mixing chamber ( 35 ); and a second supply path ( 42, 43 ) for guiding the toner which was not separated to the mixing chamber.

In regards to claim 19, Fujii et al. teaches an apparatus wherein the toner separating member ( 60 ) is arranged near a developing device ( 4 ) (See Figure 1).

Regarding claim 21, Fujii et al. also teaches an apparatus wherein the toner hopper ( 30 ) comprises a sensor ( 33 ) for detecting an amount of toner in the toner hopper, and the toner storage comprises a detachable toner container which supplies toner stored therein into the toner hopper when the sensor detects a predetermined level of the amount of toner in the toner hopper.

3. Claims 22 – 23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamauchi et al. ( US Pub. No. 2004/0105704 ).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

With respect to claim 22, Yamauchi et al. discloses a toner supplying apparatus for feeding a mixed fluid containing a toner and an air stream from a toner storage which is disposed at a distance from a developing device, to a predetermined position through a first supply path, by a first supply member, comprising a toner separating member ( 60 ) which is disposed near the developing device ( 4 ) to communicate to the developing device and to separate the toner from the mixed fluid; a first valve ( 68 ) including a movable member covered by a wall, disposed between the toner separating member and the developing device; and a second valve (34) including a movable member covered by a wall, disposed between a toner hopper ( 30 ) in the toner storage ( 24 ) and a toner mixing chamber ( 35 ).

In regards to claim 23, Yamauchi also discloses an apparatus wherein each of the first and second valves ( 68, 34 ) comprises a movable member capable to reduce the air stream entering into the developing device and a shaft, which the movable member can move based on.

Regarding claim 25, Yamauchi further discloses an apparatus wherein each of the first and second valves ( 68, 34 ) includes a bladed wheel having a plurality of blades or rotary door shape.

*Allowable Subject Matter*

4. Claims 14, 16, 20, 24 and 26 – 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 1 – 11 and 29 allowed.

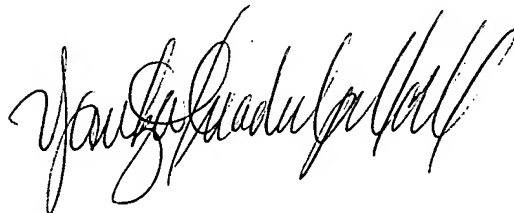
*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are considered of relevance to the present application.
  - a. Fujii et al. ( US Pub. No. 2003/0142999 )
  - b. Fujii et al. ( US Pub. No. 2005/0041998 )
  - c. Mikuriya ( US 6,115,574 )
  - d. Yahata et al. ( US 5,950,055 )
  - e. Izumizaki ( US 5,652,947 )
  - f. Muramatsu et al. ( US Pub. No. 2003/0235435 )
  - g. Muramatsu et al. ( US Pub. No. 2005/0163537 )
  - h. Koyama et al. ( US Pub. No. 2005/0123323 )
  - i. Ogata et al. ( US Pub. No. 2005/0117920 )

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yaritza Guadalupe McCall whose telephone number is (571)272-2244. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



YGM  
August 17, 2005

Yaritza Guadalupe-McCall  
Patent Examiner  
Art Unit 2859